REMARKS

In the present Office Action, dated January 24, 2007, claims 1-14 are pending in the application, and currently stand rejected. The applicants would like to thank the examiner for the telephonic interview held on April 12, 2007. The content of the interview is addressed in the relevant sections below.

Claim Rejections Under 35 U.S.C. § 101

The examiner states that claims 1-14 are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. The examiner further states that a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. In response, the applicant has amended the claims to recite, for example, "*a computer-readable medium encoded with* a data structure…" (emphasis added). At the April 12 interview the examiner agreed that the proposed amendment would overcome the rejection. The applicant respectfully submits that claims 1-14 are now allowable as reciting statutory subject matter.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-14 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent No. 6,546,419 ("Humpleman"). At the April 12 interview the applicants discussed how the claims could be amended to overcome the Humpleman reference. In response, the applicants have amended Claim 1 which now recites:

> A computer-readable medium encoded with a data structure formatted
> according to extensible markup language (XML) including data representative
> of a canonical UI description of a device to be controlled for use by a
> universal console, wherein said UI description comprises:
>
> > (1) action-commands to which said device responds, and

(2) descriptors for display on said universal console, said descriptors

prompting a user to select at least one of said action-commands.

Applicants respectfully submit that Humpleman does not teach or suggest such a data

structure.

As the examiner notes in the Office Action, the system of Humpleman utilizes data in

XML and other formats (col. 12, ll. 38-40) to describe devices supported by a given service

in a home network (col. 12, ll. 45-45 and col. 14, ll. 50-55). However, after user selection

these devices communicate with one another to perform a given service (col. 3 ll. 7-9).

Humpleman does not teach a data structure comprising descriptors for display on a universal

console, where the descriptors prompt a user to select an action-command to which a device

responds. Such a data structure enables, for example, a universal controller to generate any

number of UI instances from the canonical UI description, thereby allowing a user to tailor

the universal remote control experience. Therefore, the independent claim patentably defines

over the teachings of Humpleman.

For the foregoing reasons, applicants respectfully submit that independent claim 1 is

allowable. Dependent claims 2-14, at least by virtue of their dependency from the allowable

independent claim. A Notice of Allowance for claims 1-14 is respectfully requested.

CONCLUSION

The applicants believe that the present amendment is responsive to each of the points raised by the examiner in the Office Action, and submits that claims 1-14 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited. Should the examiner have any further suggestions for expediting the prosecution of the presently pending claims, the undersigned respectfully asks the examiner contact him at 206-332-1386.

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